

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY

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U.S. DISTRICT COURT  
2009 MAR -9 P 3:04

ULTRA PRODUCTS, INC.,  
Plaintiff,

v.

Civil Action No: \_\_\_\_\_

BEST BUY CO., INC.  
CDW CORPORATION  
FRY'S ELECTRONICS, INC.  
MICRO ELECTRONICS, INC. d/b/a  
MICRO CENTER  
STAPLES, INC.

Defendants.  
\_\_\_\_\_/

**COMPLAINT FOR DAMAGES AND INJUNCTIVE RELIEF AND  
DEMAND FOR JURY TRIAL**

Plaintiff Ultra PRODUCTS, INC. ("Ultra"), in support of its Complaint against Defendants Best Buy Co., Inc.; CDW Corporation; Fry's Electronics, Inc.; Micro Electronics, Inc., d/b/a Micro Center; and Staples, Inc. (collectively "Defendants"), states as follows:

**THE PARTIES**

1. Plaintiff Ultra is a corporation organized and existing under the laws of the State of Delaware, having a principal place of business at 6910 State Road 36, Fletcher, Ohio 45326.

2. Upon information and belief, Defendant Best Buy Co., Inc. ("Best Buy") is a Minnesota corporation with a principal place of business at 7601 Penn Ave. South, Richfield, MN 55423-3645, and numerous retail locations within this judicial district.

3. Upon information and belief, Defendant CDW Corporation ("CDW") is an

Illinois corporation with its principal place of business located at 200 N. Milwaukee Ave., Vernon Hills, IL 60061 and distribution facilities located within this judicial district at 260 Industrial Way W., Eatontown, NJ 07724; and 4 Echelon Plaza -- 7<sup>th</sup> floor, 201 Laurel Rd., Voorhees, NJ 08043.

4. Upon information and belief, Defendant Fry's Electronics, Inc. ("Fry's") is a California corporation with a principal place of business located at 600 East Brokaw, San Jose, CA and a commercial, interactive Website serving customers in and shipping products to this judicial district.

5. Upon information and belief, Defendant Micro Electronics, Inc., d/b/a Micro Center, Inc. ("Micro Center") is a Ohio corporation with a principal place of business located at 4119 Leap Road, Hilliard, Ohio 43026, and a retail outlet located within this judicial district at 263 McLean Blvd., Paterson, NJ 07504.

6. Upon information and belief, defendant Staples, Inc. ("Staples") is a Massachusetts corporation with a principal place of business located at 500 Staples Drive, Framingham, MA 01702 and numerous retail locations within this judicial district.

#### **JURISDICTION AND VENUE**

7. This action arises under the Patent Laws of the United States, 35 U.S.C. § 100 et seq.

8. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a) as this action for patent infringement arises under the laws of the United States, including 35 U.S.C. §§271 and 281-285.

9. This Court has personal jurisdiction over the Defendants as they regularly conduct business, have committed tortious acts (e.g., patent infringement), and caused injury in the state of New Jersey.

10. Venue is proper in this District under 28 U.S.C. § 1391 as this Court has personal jurisdiction in this matter. Further, Defendants regularly conduct business in New Jersey.

**FACTS COMMON TO ALL COUNTS**

11. Ultra is the owner by assignment of United States Patent No. 7,133,293 (the “’293 Patent”). The ‘293 patent was duly and legally issued by the United States Patent and Trademark Office on November 7, 2006. A true and correct copy of the ‘293 patent is attached as Exhibit 1.

12. Carl Fiorentino and Chih-Wei Kuo are the named co-inventors of the ‘293 Patent. Both named co-inventors have directly or indirectly assigned the entirety of their ownership in the ‘293 patent to Ultra.

13. The ‘293 Patent is valid and enforceable.

**COUNT I: BEST BUY’S INFRINGEMENT OF THE ‘293 PATENT**

14. Upon information and belief, Best Buy makes, uses, sells, offers to sell, and/or imports power supplies within this judicial district and elsewhere with knowledge of Ultra’s rights under the ‘293 patent, and knowingly and with specific intent actively aids and abets and otherwise induces others to utilize its power supplies in a manner that infringes claims of the ‘293 patent. These power supplies include, but are not limited to the following products:

Thermaltake - 850-Watt TR2 RX Power Supply - Black  
Thermaltake - 450-Watt ATX CPU Power Supply  
Rocketfish™ - 700-Watt ATX CPU Power Supply

15. Upon information and belief, Best Buy and/or Best Buy's suppliers and/or distributors have been on notice of the existence of the '293 patent since at least about November, 2006. Upon information and belief, Best Buy's infringement of the '293 patent has been willful and deliberate.

16. Ultra has been irreparably and monetarily damaged by Best Buy's infringement of the '293 patent. If Best Buy's actions are not permanently enjoined, Ultra will continue to be irreparably and monetarily damaged as a result of Best Buy's conduct.

**COUNT II: CDW's INFRINGEMENT OF THE '293 PATENT**

17. Upon information and belief, CDW makes, uses, sells, offers to sell, and/or imports power supplies within this judicial district and elsewhere with knowledge of Ultra's rights under the '293 patent, and knowingly and with specific intent actively aids and abets and otherwise induces others to utilize its power supplies in a manner that infringes claims of the '293 patent. These power supplies include, but are not limited to the following products:

- Antec - TruePower Quattro 850 - 850 Watt
- Antec - TruePower Quattro 1000 - 1 kW
- Thermaltake - ToughPower Cable Management W0132 - 1 kW
- Thermaltake - TR2 RX Cable Management W0146 - 450 Watt
- Thermaltake - ToughPower Cable Management W0133 - 1200 Watt
- Thermaltake - ToughPower Cable Management W0116 - 750 Watt
- Thermaltake - ToughPower Cable Management W0106 - 700 Watt
- Thermaltake - ToughPower W0128 - 650 Watt
- Thermaltake - Purepower RX W0143 - 550 Watt

18. Upon information and belief, CDW and/or CDW's suppliers and/or distributors have been on notice of the existence of the '293 patent since at least about November, 2006. Upon information and belief, CDW's infringement of the '293 patent has been willful and deliberate.

19. Ultra has been irreparably and monetarily damaged by CDW's infringement of the '293 patent. If CDW's actions are not permanently enjoined, Ultra will continue to be irreparably and monetarily damaged as a result of CDW's conduct.

**COUNT III: FRY'S INFRINGEMENT OF THE '293 PATENT**

20. Upon information and belief, Fry's makes, uses, sells, offers to sell, and/or imports power supplies within this judicial district and elsewhere with knowledge of Ultra's rights under the '293 patent, and knowingly and with specific intent actively aids and abets and otherwise induces others to utilize its power supplies in a manner that infringes claims of the '293 patent. These power supplies include, but are not limited to the following products:

Raidmax - Volcano 630 Watt Modular Power Supply  
Thermaltake - Toughpower 750W Modular Power Supply  
Thermaltake - Toughpower 650W Modular Power Supply  
Thermaltake - Toughpower 850W Modular Power Supply  
Thermaltake - Toughpower 1200W Power Supply  
Thermaltake - ToughPower 1000W Modular Power Supply  
Antec - TruePower Quattro 1000W ATX Power Supply

21. Upon information and belief, Fry's and/or Fry's suppliers and/or distributors have been on notice of the existence of the '293 patent since at least about November, 2006. Upon information and belief, Fry's infringement of the '293 patent has been willful and deliberate.

22. Ultra has been irreparably and monetarily damaged by Fry's infringement of the '293 patent. If Fry's actions are not permanently enjoined, Ultra will continue to be irreparably and monetarily damaged as a result of Fry's conduct.

**COUNT IV: MICRO CENTER'S INFRINGEMENT OF THE '293 PATENT**

23. Upon information and belief, Micro Center makes, uses, sells, offers to sell, and/or imports power supplies within this judicial district and elsewhere with knowledge of Ultra's rights under the '293 patent, and knowingly and with specific intent actively aids and abets and otherwise induces others to utilize its power supplies in a manner that infringes claims of the '293 patent. These power supplies include, but are not limited to the following products:

Antec - NeoPower 650 Blue ATX Modular Power Supply  
Enermax - Modu 82+ 525 Watt ATX 12V Modular Power Supply  
Thermaltake - Toughpower 850 Watt Modular Power Supply  
Thermaltake - Toughpower 1000 Watt ATX Modular Power Supply  
Thermaltake - Toughpower 1200 Watt ATX Modular Power Supply

24. Upon information and belief, Micro Center and/or Micro Center's suppliers and/or distributors have been on notice of the existence of the '293 patent since at least about November, 2006. Upon information and belief, Micro Center's infringement of the '293 patent has been willful and deliberate.

25. Ultra has been irreparably and monetarily damaged by Micro Center's infringement of the '293 patent. If Micro Center's actions are not permanently enjoined, Ultra will continue to be irreparably and monetarily damaged as a result of Micro Center's conduct.

**COUNT V: STAPLES' INFRINGEMENT OF THE '293 PATENT**

26. Upon information and belief, Staples makes, uses, sells, offers to sell, and/or imports power supplies within this judicial district and elsewhere with knowledge of Ultra's rights under the '293 patent, and knowingly and with specific intent actively aids and abets

and otherwise induces others to utilize its power supplies in a manner that infringes claims of the '293 patent. These power supplies include, but are not limited to the following product:

Antec - TruePower Quattro 850W Power Supply

27. Upon information and belief, Staples and/or Staples's suppliers and/or distributors have been on notice of the existence of the '293 patent since at least about November, 2006. Upon information and belief, Staples's infringement of the '293 patent has been willful and deliberate.

28. Ultra has been irreparably and monetarily damaged by Staples's infringement of the '293 patent. If Staples's actions are not permanently enjoined, Ultra will continue to be irreparably and monetarily damaged as a result of Staples's conduct.

#### **DEMAND FOR JURY TRIAL**

Pursuant to FRCP 38(B), Ultra demands a trial by jury on all issues so triable.

#### **PRAYER FOR RELIEF**


WHEREFORE, Plaintiff Ultra prays for a judgment:

1. That Defendants have infringed the '293 patent;
2. Awarding compensatory damages for the Defendants' infringement of the '293 patent under 35 U.S.C. § 284, in an amount not less than a reasonable royalty.
3. That Defendants have willfully infringed the '293 patent, entitling Ultra to enhanced damages under 35 U.S.C. §284;
4. Permanently enjoining and restraining Defendants, their respective agents, servants, officers, directors, employees and all persons acting in concert with them, directly or indirectly, from further infringement of the '293 patent;

5. That this is an exceptional case under 35 U.S.C. § 285 warranting an award of Ultra's reasonable attorney fees;
6. Awarding pre-judgment and post-judgment interest to compensate Ultra for the damages it has sustained;
7. Awarding costs for this lawsuit; and
8. Awarding Ultra such other and further relief as the Court deems just and proper.

Dated: March 9, 2009

Respectfully submitted,



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Michael A. Nicodema  
David Michael Joyal  
GREENBERG TRAURIG, LLP  
200 Park Avenue  
Florham Park, NJ  
Telephone: (973) 360-7900  
Facsimile: (973) 301-8410

*Attorneys for Plaintiff  
Ultra Products, Inc.*